

REMARKS

In responding to the Office Action, Applicants have amended the specification to insert the provisional application number for the priority claim. Applicants have also amended claim 45 to independent form as recommended by the Examiner in the office action at page 4, and have added new claims 49-58, which depend from the allowed claims. Support for this amendment can be found in the specification and claims 2-15 as originally filed. No new matter has been added. Applicants respectfully request entry of the amendment and allowance of the pending claims.

Priority Claim

Applicants respectfully requested that the Examiner acknowledge the priority claim made in Applicants' response filed June 5, 2003. Applicants respectfully request that the Examiner check the box on the PTO-326 form that acknowledges domestic priority under 35 USC § 119 (e) to the provisional application. This application claims the benefit of the filing of U.S. Provisional Application No. 60/308,963, filed July 30, 2001, which is referred to on page 1 of the specification as presently amended and in the declaration filed with the present application.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 23-24, and 30-33 are allowable and that claim 45 would be allowable if rewritten in independent form.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claim 8 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. The Examiner alleged that this claim is indefinite for the reciting the particular particle size.

Applicants respectfully traverse this rejection and submit that the meaning of the claim is definite to a person of ordinary skill in the art upon reading the specification. Nevertheless, in order to expedite prosecution, Applicants have canceled claim 8, without

disclaimer and reserve the right to pursue this claim in another application. Accordingly, this rejection is rendered moot in light of the cancellation of claim 8.

Rejection Under 35 U.S.C. § 103 (a)

The Examiner rejects claims 1-2, 4-8, 11, 13-19, 42 and 48 under 35 U.S.C. §103(a) as allegedly being anticipated by U.S. Patent No. 5,886,069 (Bolt). The Examiner asserts that Bolt teaches a pigment composition comprising one or more inorganic base particles and one or more substantially spherical shaped calcium carbonate spacer particles having a particle size range of about 0.1 microns that is within the claimed size range. The Examiner concludes that the present claims are allegedly obvious in view of Bolt.

Applicants respectfully traverse this rejection and submit that Bolt does not disclose, teach or suggest each and every element of the claims. However, in order to expedite prosecution, Applicants have canceled claims 1-2, 4-8, 11, 13-19, 42 and 48, without disclaimer. Applicants reserve the right to pursue these claims in one or more continuing applications. Accordingly, the rejection is rendered moot in light of the cancellation of these claims.

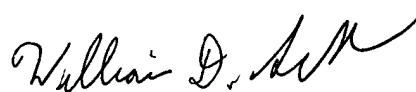
Conclusion

In view of this amendment, and the remarks, reconsideration and allowance are respectfully solicited.

Enclosed is the fee for one-month extension of time. No additional fee is believed to be due with respect to the filing of this amendment. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William D. Schmidt", written over a horizontal line.

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